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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,129	07/11/2001	Niko Drakoulis	AKI-104-B	9536

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EXAMINER

FAULK, DEVONA E

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,129

Applicant(s)

DRAKOULIS ET AL.

Examiner

Devona E. Faulk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6,9-13,15-20 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-12,15 and 27 is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,9,13,16,18-20,23,24 and 26 is/are rejected.
- 7) ☒ Claim(s) 17,22 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/9/2005.
- ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. The applicant has indicated that a properly executed Declaration was submitted on December 27, 2001. The office has no record of this document on file. The examiner suggests that the applicant resubmit the declaration to the office.
2. Applicant's arguments filed 6/22/2005, with respect to the rejection(s) of claim(s) 1-3, 5, 6, 9-13, 20, 22-27 under 102 (b) and 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of McGreevy and Allstatt.
3. Claims 3, 4, 7, 8, 14 and 21 are cancelled. Claims 10-12, 15 and 27 are in allowable form. The applicant has written previous objected to claims in independent form. Claim 27 is a new claim but includes allowable subject matter of forming the cable in a hand-carrying loop when the connector is mounted in the recess on the second housing.

Oath/Declaration

4. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The applicant's signatures and date when signed are missing.

Drawings

5. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because of line quality. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the recited language of "providing a plurality of band pass filters in the second housing connected between the first and second stereo channel conductors and the signal ground conductor in the cable" and "a plurality of band pass filters carried in the second housing, one band pass filter coupled to each of the first and second conductors and to the signal ground conductor" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

7. Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 19, claim 25 recites, "coupling the first, second and third stereo channel conductors". The specification teaches of a first and second stereo channel conductor, a signal ground conductor and an antenna conductor. There is no third stereo channel conductor.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1,2,5,6,9,13,16,18,19, 20,23,24 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over McGreevy (U.S. Patent 5,319,716) in view of Allstat (Us 5,771,441).

Claims 1, 13,18 and 26 share common features.

Regarding **claims 1, 13,18 and 26**, McGreevy discloses a method for generating audio sounds on a radio frequency audio sound generator from a remote audio signal source, comprising:

providing a housing (transmitter) (reads on the second housing, CD player reads on first housing of claim 13) (reads on the portable housing of claim 18; reads on the first housing and supplying an audio signal storage media in the first housing of claim 26);

supplying an audio signal from the audio signal source to the housing by conductors (column 3, lines 19-30 reads on generating audio signals from the audio signal storage media in the first housing of claim 26);

providing a connector coupled to one end of the conductors, the connector connectable to the audio signal source (fm transmitter connected at output of CD player;

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see abstract; column 1, lines 50-64; column 2, lines 40-42; CD player reads on audio signal source and audio signal generator of claim 13 is implicit to the CD player; reads on the connector of claim 18)

providing a cable carrying the conductors including at least first and second stereo channel signal conductors, the first and second conductors connected at one end to a stereo encoder and at the other end to the connector (BA 1404 reads on encoder, Figure 1; column 3, lines 25-27; Wireless CD/automobile radio adapter; fm transmitter connected at output of CD player; see abstract; column 1, lines 50-64; column 2, lines 40-42; reads on the conductor, multi-conductor means of claim 13 and 18, and 26 with the exception of the antenna conductor);

electrically connecting the connector to the audio signal source (column 2, lines 40-42)(reads on the oscillator of claim 13 and 18);

generating audio signals from the audio signal storage media onto the first and second conductors (Wireless CD/automobile radio adapter; fm transmitter connected at output of CD player; see abstract; column 1, lines 50-64; column 2, lines 40-42);

generating a first frequency radio frequency carrier signal from an oscillator (36; column 2, lines 58-63);

modulating the audio signals on the first frequency radio frequency carrier signal (18; reads on modulator of claims 13 and 18; reads on modulating the audio signals of claim 26); and

transmitting the first frequency radio frequency carrier signal with the modulated audio signals to a radio frequency audio signal demodulator in a remote radio frequency

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receiver for broadcast of the audio signals (52; see abstract; column 3, lines 1-16)(reads on the transmitter of claims 13 and 18; reads on transmitting the frequency carrier signal of claim 26).

McGreevy fails to teach but Allstat discloses providing an antenna conductor in the cable and connecting the antenna conductor to a transmitter in the housing (Allstat discloses a portable RF transmitter with an audio plug extending therefrom having no external antenna and having left and right audio inputs and a ground conductor all of which are electrically coupled to an audio plug (claim 1); abstract; column 3, lines 42-47)(reads on the antenna conductor of claims 13 and 18). The method is obvious in the functionality of the wireless compact disc stereo playback system. It would have been obvious to one of ordinary skill in the art to provide an antenna internal to the cable in order to eliminate the need for an external antennal.

All elements of **claims 2,5,6 and 9** are comprehended by the rejection of claim 1. There is obviously a recess as claimed.

All elements of **claim 16** are comprehended by the rejection of claim 13.

All elements of **claims 19, 20,23 and 24** are comprehended by the rejection of claim 18.

Claim Objections

10. **Claims 22 and 25** are objected to because of the following informalities: Claims 22 and 25 claim an antenna conductor and a multi-conductor. The claim language as it reads recites the two as if they are two separate conductors but the antenna is part of

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the multi-conductor. The examiner suggest the claim language recite the following: in line 10, an antenna conductor of a multi-conductor cable coupled to... and in line 15, said multi-conductor cable. The examiner's suggestions are underlined. Appropriate correction is required.

11. **Claim 17** is objected to because of the following informalities: Claim 17 claims the apparatus of claim 14 and claim 14 has been cancelled. The examiner notes that claim 17 would be rejected if dependent upon 13 because all the elements of claim 17 would be comprehended by the rejection of claim 13.

Allowable Subject Matter

12. **Claims 10-12,15 and 27** are allowed. See above Response to Arguments for reasons.

13. **Claim 22** would be allowable if amended to overcome the objection.

14. **Claim 25** would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 571-272-7515. The examiner can normally be reached on 8 am - 5 pm.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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